

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

JOSE L. VELEZ,

Petitioner

v.

UNITED STATES OF AMERICA

Respondent

Civil Action No. 16-9192(RMB)

OPINION

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**BUMB, District Judge**

On December 13, 2016, Petitioner, incarcerated in the United States Penitentiary Big Sandy ("USP Big Sandy") in Inez, Kentucky, filed this motion to vacate, set aside or correct sentence under 28 U.S.C. § 2255. (ECF No. 1.) After several extensions of time were granted, Respondent filed an answer on August 24, 2017. (ECF No. 9.) Petitioner did not file a reply. On January 7, 2019, Petitioner's mail was returned to the Court as undeliverable. (ECF No. 10.) Petitioner did not advise the Court of his new address.

I. DISCUSSION

Local Civil Rule 10.1(a) provides, in relevant part:

unrepresented parties must advise the Court of any change in their . . . address within seven days of being apprised of such change by filing a notice of said change with the Clerk. Failure to file a notice of change may result in the imposition of sanctions by the Court.

Dismissing a Plaintiff's complaint without prejudice is an appropriate remedy for noncompliance with this rule. See Archie v.

Dept. of Corr., Civ. No. 12-2466 (RBK/JS), 2015 WL 333299, at \*1  
(D.N.J. Jan. 23, 2015) (collecting cases).

Mail sent to Petitioner's last known address was returned. To  
date, Petitioner has not informed the Court of his new address.

## II. CONCLUSION

The Court will dismiss this case without prejudice pursuant  
to Local Rule 10.1 An appropriate order follows.

Dated: August 15, 2019

s/Renée Marie Bumb  
**RENÉE MARIE BUMB**  
**UNITED STATES DISTRICT JUDGE**